

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-30 are pending in the application, with claims 1, 8, 12, 18, and 25 being the independent claims. Claims 8-11 are sought to be withdrawn. Claim 18 is sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claim Election

Applicants affirm that an election was made with traverse on August 16, 2005, to prosecute Group 1, claims 1-7 and 12-30.

Double-Patenting Rejection

Claims 1-2, 5-6, 12, 18, and 25 were rejected under non-statutory obviousness-type double patenting as being unpatentable over claims 6-7, 12-13, and 15 of pending Patent Application No. 10/694,788. Applicants are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) herewith to overcome the double patenting rejection. Thus, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 1-2, 5-6, 12, 18, and 25.

Rejections under 35 U.S.C. § 112

Claims 18-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 18 was rejected for insufficient antecedent basis. Claims 19-24 were rejected because of their dependency on rejected claim 18. Claim 18 has been amended accordingly.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 18-24.

Rejections under 35 U.S.C. § 103

Claims 1-7 and 12-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,833,605 to Terada *et al.* (hereinafter Terada) in view of Ed Turner *et al.*, IEEE P802.3ae MDC/MDIO, (2001), http://www.ieee802.org/3/efm/public/sep01/turner_1_0901.pdf (hereinafter Turner). Applicants traverse this rejection.

Terada and Turner, alone or in combination, do not teach or suggest each and every feature of claim 1. For example, Turner does not teach or suggest "a plurality of pads, wherein at least one of said plurality of pads is a programmable pad capable of supporting at least two standards," as recited in claim 1. The Office Action asserted that slides 19-20 of Turner disclose this feature. Applicants disagree.

Slide 19 simply displays the minimum and maximum values of certain voltage parameters. Slide 20 briefly describes the backward compatibility and option of a 10

Giga-bit Ethernet management data input/output (MDIO). Nowhere in Turner does it teach or suggest "a programmable pad capable of supporting at least two standards," as recited in claim 1. Also, Turner describes the management of data clock (MDC) and MDIO under a *single* standard, IEEE P802.3ae. *See* Title. In contrast, claim 1 recites, "a programmable pad capable of supporting at least two standards."

Accordingly, claim 1 is patentable over Terada and Turner, alone or in combination. Further, claims 12, 18, and 25 are patentable over Terada and Turner, alone or in combination, for at least the reasons provided with respect to claim 1, and further view of their own features. Claims 2-7 depend from claim 1. Claims 13-17 depend from claim 12. Claims 19-24 depend from claim 18. Claims 26-30 depend from claims 25. These dependent claims are thus patentable over Terada and Turner, alone or in combination, for at least the reasons presented above, and further view of their own features.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-7 and 12-30.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 2/28/06

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